

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

<b>MICHAEL FAULK,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No. 4:18-CV-308-JCH</b>
	)	
<b>v.</b>	)	
	)	
<b>CITY OF ST. LOUIS, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANTS’ MOTION FOR PROTECTIVE ORDER PURSUANT  
TO RULES 30(d)(3) AND 26(c)(1)**

COME NOW Defendants Gerald Leyshock, Scott Boyher, Timothy Sachs, Randy Jemerson, Matthew Karnowski, Brian Rossomanno, Andrew Wismar, Anthony Wozniak, John Gentilini, James Harris III, Brian Gonzales, Robert Stuart, Bryan Barton, James Wood, Tom Long, Lawrence O’Toole (collectively referred to herein as “Individual Defendants”) and respectfully request this Court enter and order quashing Plaintiff’s Notice of Deposition for Anthony Wozniak and enter a protective order pursuant to FED.R.C. P. 26(c)(1) and 30(b)(1). In support, Defendants state as follows:

1. On November 21, 2022 at 4:57 p.m., Plaintiff filed his Notice of Deposition for Defendant Det. Anthony Wozniak. Said notice set said deposition for December 12, 2022 at 9:00 a.m. Exh. A.

2. Counsel for Plaintiffs did not discuss with nor did counsel for Defendants agree that Defendant Det. Anthony Wozniak was available for deposition on the aforesaid date or time.

3. Counsel for Defendant Lawrence Pratt was on vacation from November 21, 2022 until Monday December 5, 2022 and did not learn of the aforesaid notice until recently while conducting an end-of-the-week review of emails. Exh. B.

4. Defendant Det. Anthony Wozniack is not available for deposition on December 12, 2022 as he will be out-of-town on business. Exh. B.

5. On December 9, 2022, Counsel for Defendant attempted to contact counsel for Plaintiff by telephone and email to discuss Det. Wozniak's deposition, but has been unsuccessful at present. Exh. B.

6. Rule 30(b)(1) states: "*Notice in General*. A party who wants to depose a person by oral questions must give *reasonable* written notice to every other party. ..." Rule 30(b)(1) Fed. R. Civ. Pro. [*Emphasis added*].

7. Plaintiff's Notice of Deposition as referenced above, given the circumstances as referenced above, was not reasonable pursuant to Rule 30(b)(1) Fed. R. Civ. Pro.

8. Further, forcing Defendant Det. Anthony Wozniak to appear for deposition on December 12, 2022 would be oppressive and unduly burdensome for said Defendant Det. Anthony Wozniak in violation of Rule 26(c) Fed. R. Civ. Pro.

Defendant Anthony Wozniak is willing to appear and give deposition testimony at a mutually convenient time in the future.

For the foregoing reasons, Defendants pray this Court enter an order quashing Plaintiff's Notice of Deposition of Det. Anthony Wozniak for December 12, 2022 and for a protective order preventing said deposition from going forward on December 12, 2022.

Respectfully submitted,

SHEENA HAMILTON  
CITY COUNSELOR

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**ATTORNEY FOR DEFENDANT**

**Certificate of Service**

I hereby certify that on this 9th day of December, 2022 the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system to all attorneys of record.

/s/ Lawrence L. Pratt